IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 259 (S/B) of 2005

R.P. Vishwakarma
Principal
Government Intermediate College
Sailani Goth
District Champawat ... Petitioner

Versus

State of Uttaranchal through
Secretary, (School Education) Secretariat
Dehradun
District Dehradun & others ...Respondents

Hon'ble P.C. Verma, J.
Hon'ble B.C. Kandpal, J.

By means of this writ petition, the petition has prayed for writ of certiorari quashing the impugned transfer order dated 06.09.2005 passed by Respondent No. 2- Director Education, Uttaranchal, Dehradun, District Dehradun (Annexure No.1 to the writ petition) by which the petitioner has been transferred from Government Intermediate College, Sailani Goth, Distict Champawat to Government Intermediate College, Jauljibi, District Pithoragarh.

2. The impugned transfer order has been challenged on the ground that the petitioner has been subjected to transfer only on the ground that it was passed infact due to undue pressure of some of the present of those students who misbehaved with their classmates and when the petitioner as being a Principal took serious action against those students then the parents of the students who were punished by placing them under suspension in connivance with the Prdhan of Gram Panchayat, Sailani Goth made a complaint to the

Director and the Secretary of Education Department of Government of Uttaranchal and they succeeded to get the petitioner transferred from the parent place by way of the impugned order.

3. The petitioner vide order dated 06.09.2005 was transferred from Government Intermediate College, Sailani Goth, District Champawat to Government College, Jauljibi, District Pithoragarh.

4. A perusal of the impugned transfer order dated 06.09.2005 reveals that the petitioner was transferred from Government Intermediate College, Sailani Goth, District Champawat to Government Intermediate College, Jauljibi, District Pithoragarh. This order was stayed by this Court on 07.10.2005.

4. We have heard learned counsel for the parties and have gone through the record.

5. It appears that the petitioner was transferred in the mid session. In the interest of justice, we feel it appropriate that the petitioner shall not be disturbed till the next annual transfer chain to be made by the State Government. The petitioner shall be transferred as and when next annual general transfer is made by the State Government.

6. With the aforesaid observation, the petition is disposed of finally.

(B.C. Kandpal, J.) **(P.C. Verma, J.)**

03.03.2006
R. Dang